



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

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Cessation Order ☒ No. MC-2005-04-04

CERTIFIED RETURN RECEIPT # 7002 0510 0003 8603 3288

To the following Permittee or Operator:

Permittee/Operator Name: Penney's Gemstones

Mine Name: Little Spot ☒ Surface ☐ Underground ☐ Other

County: Millard State: Utah Telephone Number: (435) 438-5522

Business Address: 2400 East 30 South, Box 312, Beaver, Utah 84713-0312

Permit Number: S/027/024

Ownership Category: ☐ State ☒ BLM ☐ USFS ☐ Fee ☐ Other

Date of Inspection: July 7, 2005 Time: 11:30 ☒ a.m. ☐ p.m. to 12:30 ☐ a.m. ☒ p.m.

Under authority of the Utah Mined Land Reclamation Act, Section 40-8-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas, and Mining has conducted an inspection of above mine on above date and has found that a Notice of Violation or Cessation Order must be issued with respect to the conditions, practices, or violations listed. In accordance with Section 40-8-9, *Utah Code Annotated*, you are ordered to cease immediately the operations or activity described and to perform the required actions described within the designated time for abatement.

The undersigned representative finds that this order ☒ does require cessation of all mining;
☐ does not require cessation of all mining.

For this purpose, "mining" means development of, or extraction of a mineral deposit, including transportation within or from the mine site, concentrating, milling, evaporation, or other processing. Mining and/or reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas, and Mining.

Date of service/mailling: Aug 2, 2005 Time of service/mailling 10:30 ☒ a.m. ☐ p.m.

Permittee or Operator Representative

Title

Signature

Tom Munson

Division of Oil, Gas & Mining Representative

Reclamation Specialist III

Title

Tom Munson
Signature

SEE REVERSE SIDE

Cessation Order NO. MC-2005-04-04

Violation No. 1 of 1

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Nature of condition, practice, or violation:

Failure to obtain a large mining permit prior to expanding operations beyond 5(five) acres.

Provisions of act, regulations, or permit violated: R647-3-113

(Check box if appropriate:)

☐ Condition, practice, or violation is creating an imminent danger to health or safety of the public.

☒ Permittee/Operator is/has been conducting mining activities without a permit.

☒ Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

☐ Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. or Cessation Order No. M _____ within time for abatement originally fixed or subsequently extended.

Mining activity to be ceased immediately:

All mining related activities outside the five-acre small mine permit area.

Affirmative obligation(s) or required action and abatement time (if applicable):

- 1.) By August 15, 2005 post a \$40,000 reclamation surety for the existing disturbance with the Division.
- 2.) By August 15, 2005 mark the five-acre small mine area where operations will continue, if you intend to maintain a small mine.
- 3.) By August 15, 2005 provide a map with sufficient detail to show the location and delineate the five-acre area where operations will continue.
- 4.) By October 15, 2005, complete an NOI for a large mine which will encompass the area disturbed. Mining operations may not resume outside the five acre small mine area until the large mine notice is approved.
- 5.) As an alternative, you may submit plans to reclaim the area down to a five acre-site, thus retaining the site as a small mine. With this alternative, you would still need to provide the map and post the surety until the reclamation work is completed and released. Please notify the division by August 15, 2005 if you elect to use this alternative.

jb

cc: DOGM
Operator
File

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